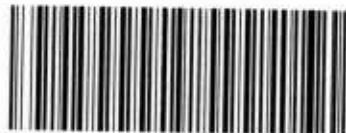


MILITARY PROSECUTOR

ALI KASSET & OTHERS v

הצד האשם והצד הנשקט
המזכיר נשק ותחמושת (1938)
פ. א. א.

מדינת ישראל
ארכיון המדינה



שם תיק: הנרי כתר - רצח שלושה יהודים על-ידי ערבים,
החזקת נשק ותחמושת (1938)

פ-184/39

מזהה פיו:

ארכיוני

מזהה פריט: 00104jf

לא רשמי

תאריך הדפסה: 15/03/2017

כתובת: 2-112-8-2-5

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استاذ شهاب الدين

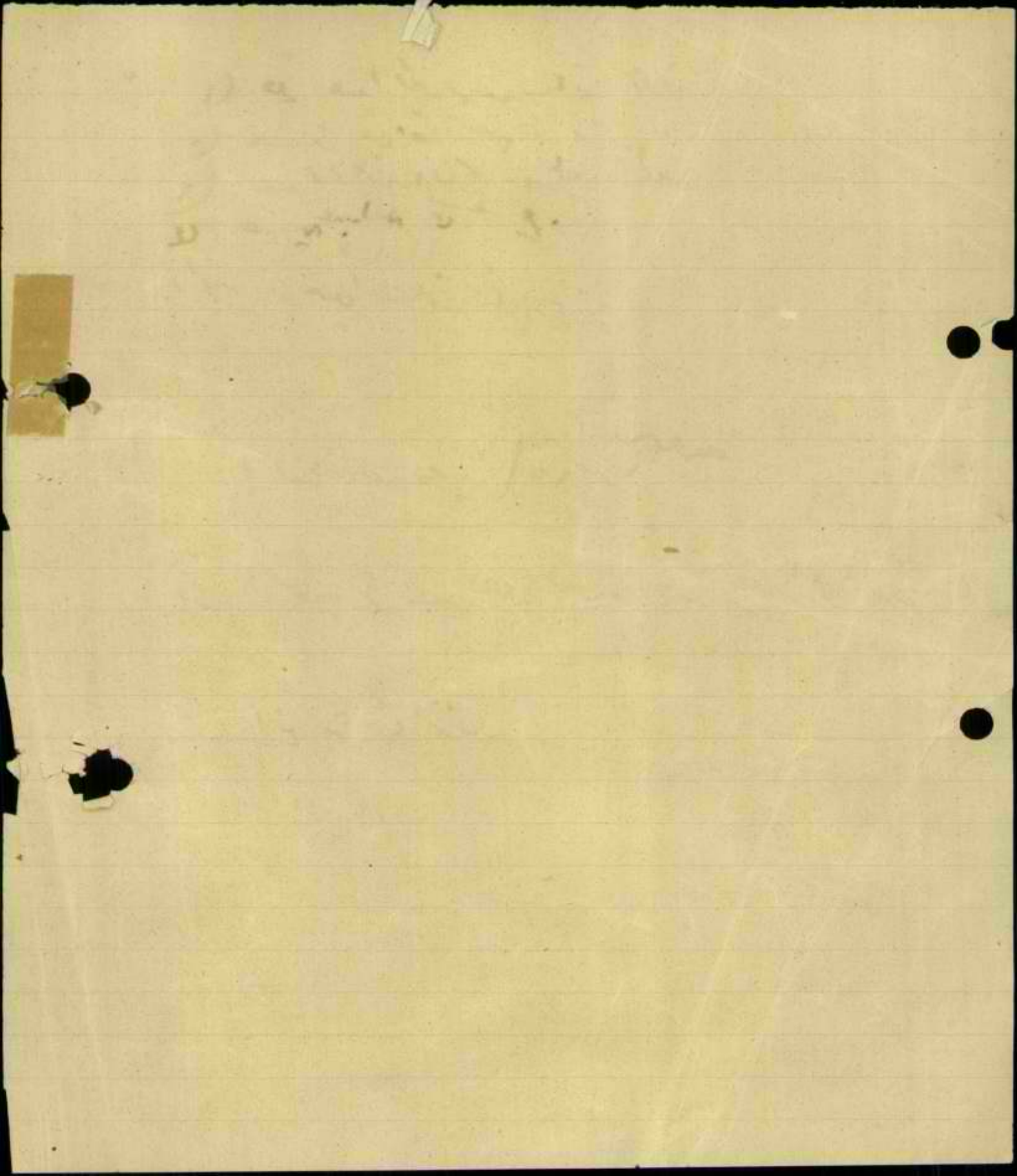
دائرة
العلم

(١) على عبد الله بن مسعود
(٢) حسن بن علقمة
(٣) عبد الرحمن بن مسعود
(٤) عبد الله بن مسعود
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7th Oct. 1938

The Assistant District Superintendent of Police,
Tiberias.

Dear Sir,

I shall be grateful if you will ensure the attendance of the undermentioned persons, being the defence witnesses in the case of the Attorney General Vs. Hassan Ali el-Kasim and others, which is set down for hearing before the Military Court at Haifa, on Tuesday the 11th instant.

I am sending a copy of this application to the Military Prosecutor - Haifa.

Counsel for Defence.

Suleiman el-Salti
Shehadeh Kheir Abdallah
Miloud Ahmed Ikhrieh
Abdul Jalil Ibrahim Ghazzawi
Hussein Mohammad Ghazawi

all of Samakh

Salih el Kahwaji at Bab el Hammam
Tawfic el Khatib
Hussein Jaber
Zaki Darwish eddur

all of Tiberias

H/1113/38

15th October, 1938.

Sir,

Re the case against Hussein Ali Kasim & others.

I have submitted to the Haifa Military Court a detailed statement, in writing, of the defence in this case, and I now beg to refer in brief to the major points which do call for serious consideration.

1- There was no evidence of any previous agreement, or common enterprise between any two or more of the accused to commit any unlawful act. The evidence of the Special Constable, Shakhrou, can only be regarded as proving that Accused (4) went into Tiberias with three others that morning. There is no evidence who are the three passengers, and there is even no indication that they were the accused.

2- The firing was done by one person only. This is the story of all the witnesses for the Prosecution. Whether he carried one pistol or two is immaterial. The fact remains that there was only one and that one has been identified, I submit, irregularly, as being Accused (1). The Arab, who remained unknown, looked into the shop and disappeared, and after he disappeared, the assailant came to the shop and fired; this is the evidence of Yesakhar. There was evidence that there was another Arab with the person who fired but there was no evidence identifying that Arab or in any connecting him with any of the Accused. The identification in Court, and for the first time, by Toba Debrouvsky, of Accused (3)

The General Officer Commanding British Troops.
Palestine & Transjordan,
Jerusalem.

as being the second Arab who was running with Accused (1) is not only untrue and is flatly contradicted by what she did at the Identification parade, in the Police Station, Tiberias, the same day of the occurrence. Mr. Ford, A.D.S.P. Tiberias, at the time, who conducted the identification said to the Court, on oath, that this woman first picked out Accused (3) and afterwards said 'NO' and picked out accused (1).

3. In the absence of any previous agreement or at least evidence from which it could reasonably be concluded, the conviction of all four accused of the offence of discharging a firearm upon three named Jews, is bad in law, and must, I submit, be set aside.

4. As regards the second count on the charge sheet, here again there is no evidence of a conspiracy or common enterprise. If the story of the defence about the fourth passenger was not believed, and I cannot see any grounds for this, then it must be that one of the accused carried the exhibited weapon and he himself threw it out of the window in order to get rid of it.

5- The trial court having believed the story of the witnesses for the Prosecution, hence the conviction against Accused (1), it could not but find that the person who threw the pistol was the same man who seen firing in Tiberias. The evidence of the Police expert as to the kind and make of weapon used at the shooting affray has not been disputed and cannot be doubted. If therefore this pistol was used at the shooting, and if the Court was convinced as to the person who actually did the shooting, then they can arrive at one conclusion only, that Accused (1) had the pistol and threw it away. If his companions in the car knew of the pistol or not is immaterial and since there is no evidence of a previous agreement between the accused the three last named accused must be acquitted from the second

(8)

count. The conviction of all accused on the second charge is not warranted by any evidence and the necessary elements for this conviction, as against the same three accused, are totally missing.

6- In any event the circumstances of this case, as regards the majority of the accused, specially the car driver, Accused (4) do not justify the capital sentence. Accused (4) might or might not have been driven by force. He would not tell the Court except his evidence. If you have any doubt that this man did not connive with the others, the fact that he told a lie or tried not to commit other persons in a serious charge, must not be taken against him, not, at any rate, render him liable at the cost of his own life.

My final prayers to you, Sir, is for mercy.

لله الدور كما لا يخفى فبينه قطب مخف وهدركك هذا الشيء
في الكندي الامامي وانما لا يخفى ثبوته انما هي اقرنيه اربهم ثوبينه
حيا الكندي اخلفني و... الكندي... بعد ما يقبلن فحيت
عيا 2 اربهم في ابلد وعهد... عني.

نكي دور... صاحب الحلبه اسبويه الكندي ده في الك... ربه على كيرا كيرا 2
البدور وانه سياه... فحيت و... اربهم...
حين الملهه العيا 2 الكندي.

لم يبق... الكندي...

عنه عيا... انه لا بد... ثوبه...
عان... ثوبه...
البحر... ثوبه...

عنه... الثوب...
عنه... الثوب...
عنه... الثوب...

عنه... الثوب...
عنه... الثوب...

38)

back. I

A4 was in Samakh. I saw him there. He lives there. I saw him that morning.

I didn't pay attention to him when he left Samakh that morning.

I heard firing some 3 or 4 minutes after the car had left.

14th Sgt. Bulmar recalled:

I didn't search the driver for money I felt for some money but didn't count how much it was.

The man $\frac{1}{2}$ of the lock up must know how much.

After the car left
I heard for some 2 or 3 minutes
when he left I remarked that
I didn't pay attention to him
the morning.
then the rain then I saw him
off was in darkness. I saw him
last 3.

High. Palmer
recalled:
I don't recall the cause for me to feel
the most necessary and most recent
I was.
the next of the idea of most power
then occurred.

I don't remember what they were wearing not even on their heads.

I didn't notice what they were wearing on their heads.

The car was facing Atara Hotel to the west.

The car started as usual not at a quick pace.

I didn't see the Police Car following. I didn't pay attention to this or to any other car on the road.

I saw this car standing.

I don't know ^{the no 7} Alidulla's car.

The Acc. car is a Chevrolet - black

I didn't see the Police car that morning.

I know Yacoub Wardi

I have nothing to do with him.

I don't remember ever buying from him or ever coming near him.

I didn't go to Samakh because there was a lot of shooting. There were no passengers. I went home inside the town in Tiberias.

That morning I went to Samakh & came

I don't remember what they were
meaning, not even on their heads.
I don't know what they were saying,
on their heads.

The car was facing the Hotel
at the time.

The car started on several feet
at a right angle.
I don't see the car following.
I don't know whether it was a car or not.
I don't know.

I saw this car then.
I don't know whether it was a car or not.
The car is a Chevrolet - black.
I don't see the car that morning.
I don't know whether it was a car or not.
I don't know whether it was a car or not.
I don't know whether it was a car or not.

I don't know whether it was a car or not.
I don't know whether it was a car or not.
I don't know whether it was a car or not.
I don't know whether it was a car or not.
I don't know whether it was a car or not.

Mussein Jaber: Sworn

XX⁸ The car left Liberia at a time I don't remember.

The car left after I had arrived with 3 or 4 minutes.

I left Samakh when it was daylight. Immediately after sunrise I left Samakh & was in Liberia in the early morning.

I didn't go to Samakh that day & remained in Liberia the whole day.

The car was on the Parking Place & no on the opposite side of the road.

I did not see any of the passengers carry a pistol when they arrived at the car park.

Before those three men got into the car I am sure I heard no shots in Liberia.

The doors of the car were not open when the three men got in it.

I wouldn't know those three men again if I saw them.

able to recognize him again.

When those three came to the car they were not running. They came up to the car slowly.

I didn't pay attention to their dress. I can't say whether they were wearing jackets or not.

I opened the doors of the taxi for them. I didn't see any one carrying a pistol when they arrived on the scene.

I didn't hear any shooting in Yibenia's before that car drove away.

I didn't hear that a pistol had been thrown out of the car.

I am sure that the car was parked on the opposite side of the road facing Samakh.

Yusif Khattab Sworn

Q. The parking place is opposite Atara & Polognia Hotels.

A. I saw A4's car at about 8 or 8:30 when it first came from Samakh.

Q. He remained about two hours before he returned to Samakh.

A. The car was facing west.

Q. The car was facing Atara Hotel, not in the direction of Samakh.

A. The Cafe' is on the other side of the road. It is not under the Atara Hotel.

Q. The Cafe' under the Atara has been closed long before this incident.

A. The Cafe' at which A4 sat is behind the parking - some 4-6 yds away.

Q. The three passengers were strangers to me. I would not know them again.

A. I did not see the passengers that got out of Samakh.

Q. The passenger who sat in front of him was going to Samakh & also the other three. I don't know him & I wouldn't be

Liberias with the same green grocers.
 The buss. Mr. I don't know the Service No.

The day following I didn't go.

I go every three or 4 days.

After this incident with 3 or 4 days I went
 to Liberias. The buss was full.

I don't remember riding in a small car
 after the incident.

xxx⁸

Saw a 4's brother & the garage broken
 the following day where we discussed the matter
 of my trip to Liberias the previous day.

the house with the new green paper.
The house is about 1000 ft. long
the day before, I did it for
I was there 2 days
After this incident with 34 of days I went
to the house and was full
I did it in a small car
after the incident.

xxx

the following day we returned to the
house and the previous day.

7th. Mawlood Ahmed Krish: Sworn

XX 8. We arrived in Yibenis ~~at about~~
between 7 + 7.30 a.m. 

I went back immediately I finished
my work. It took me half an hour
or $3/4$. I can't say exactly.

The two men who rode with me
were Abdel Jabil & Hussein Mohamad.

I don't go every day to Yibenis but
I often go there.

Two or three days before this day I
went to Yibenis.

Sometimes I go with him Sometimes
with the luss. It depends upon the
turn. I don't remember with whom I
went.

I don't remember whether I went
in a car or not the previous occasion.

I often drive in A 4's Car to Yibenis.
When I go I go in this early hour.

The name of the man to whom I went
in Yibenis is called Mohamad el Haj.

Sometimes it happens that I go to

Kishuh I went back to ^{Samateh} ~~Liberias~~ at about 8. a.m. I went back in a truck.

I paid 2½ P.T. from Samateh to Liberias.

I go every morning & get to Liberias & I stay as long as my work demands. The other time did not go back with me in the same truck.

I go to Liberias to buy things from the market

The market opens at a very early hour at 7 or 7.30. It doesn't open at 5.00 & close at 6.00 a.m.

A Truck from Trans-jordan I don't know the owner. I paid the driver my fare. I don't know the driver.

Sometimes I drive with him some times with others. It depends upon the turn of the car.

I pay the whole fare even if I went half way.

By the Court:

30)

13/10/38

Witnesses for the defence:

1. Suleiman Saly: Sworn:

XXI: Nil

2. Hassan Halaly: Sworn
Green Crosser.

XXI: Abdel Jahl Ghazzawi, Hussein Ghazzawi & Mawlood were the other three passengers in the car
We arrived in Liberia some 15 after 7.

I left the car in the Park of the Car.

— Near the gate of the Batter - Hot springs,

I don't know Atara Hotel.

The other three passengers also got out when I got out.

When I left the car it was facing Liberia.

I went to the market place "→↑"

The other three went with me to the

12/10/38

Witness for the defense

1. Location of the car

at the

2. Location of the car

X2

On the left side of the car
the witness saw the car
the witness saw the car

after 7.
I left the car in the back of the
car.

Near the gate of the latter - Hot
spring.

I don't know where the car
the other two persons also got
out of the car.

When I left the car it was empty
there.

I don't know where the car
the other two persons also got

I know Vard's shop
 He sell tyres, spare parts, oil & gasoline.
 I used to buy from him. I owe
 him £1, I bought tyres a pair.
 That morning I didn't go to Vard's shop.
 I had no business with him
 Never had an argument.
 I don't buy any oil from him. He
 sells shell oil & I buy Sphurix.
 I don't know whether

~~117 per ton~~

All car owners owe him money.

511

(A 4)

I can give you names of the
Passengers for sub to Lib.

1. Hassan Abou Shif
2. Abdel Talil
3. Hussein Ghazzawi
4. Meilous "Mawlood"

It was facing south the Hotel Atara
when I sat at the Café I heard no firing.

No one came running to the car when
I began to move it.

None put his pistol against my head
& forced me to drive on the road.

I never go beyond 40 to 50 Km. per hr.
There is also a lot of animals

The fourth man got off after 6 or 7 Kilom
from Liberia.

He didn't ask me for his money back.

I didn't take the Am. Acad. to Liberia
that day.

I lived in Liberia for 12 yrs before I
moved to Samakh.

28

(A 4)

I can give you names of the
Parsons for sure to the

1. Thomas the chief
2. Alldred
3. Thomas (Graham)
4. "Alldred" (Graham)

It was facing south the Hotel there
when I was at the Café I heard nothing.
No one came running to the car when
I began to move it.

There was first his pistol against my head
I tried not to breathe or the worst.
I was in a position to see the
the fourth man got off after 6 or 7 minutes
from there.

The third came out for his money back.
I didn't take the three cases. In addition
that they
I tried in the car for 12 or 15 minutes
I was a prisoner.

27

We didn't hear a horn of ~~the~~ a car behind us.
We had breakfast in Nozavuth.

A2 confirms A1's statement.

I don't remember in which door I went in. A1 sat on the left. I sat in the middle A3 was on my right.

We went to the car walking.

When we arrived the man who got the fare from us opened the door for us & we went in.

The driver was not there. The man who took the fare from us called for him. No 4 is the driver.

Never rode in his car before didn't know him or see him before.

The engine was not running & the car was parking with the other cars.

It was not on the side of the road where other small cars.

I didn't see a car following us. I didn't look back & had no reason to look back.

I didn't put my hand out of the car & saw no one do so.

Three of us in the back & one man the driver.

hand out of the window

A 2 + A 3 & I are of the same village
Never was in Siberia before this time.

Never tried to buy oil in Siberia.

These are the same clothes that I have
had on. I didn't deliver my jacket
to any. None of my relatives brought
me clothes.

I was never wearing a jacket.

This is the komby I was wearing when
I was arrested by the Pucci.

When the driver came to the car he
was carrying ^{his} ~~a~~ hatta & Igal.

When I got in the car with my friend
I didn't see people running about
& closing their shops.

I didn't hear any firing in Siberia
as we went off immediately to Samakh

I don't remember who sat near me.
I didn't see the Police car. I first
saw it when it overcame our car &
the Police stopped us.

I don't remember whether there were
cars on the road.

The car stopped for the fourth passenger
to get ~~away~~ off.

It ~~stopped~~ stopped long enough for the
man to get off.

We stopped more than half way from where
we are stopped by the Police for the
man to get.

I saw no one throw anything out
of the window.

I didn't see the fourth passenger throw
anything.

Some of the windows of the car were
opened & some were closed. I don't
remember which. The window on my
side was opened. I don't remember
the other window.

I didn't see anyone open a window.
I saw no one of the passengers put his

I don't remember who sat near me
I don't see the 7th or 8th
I don't know if someone can see
the 7th or 8th
I don't know if the 7th or 8th
can see the 7th or 8th

~~the~~ I don't know if the
we don't know if the 7th or 8th
can see the 7th or 8th
I don't know if the 7th or 8th
can see the 7th or 8th
I don't know if the 7th or 8th
can see the 7th or 8th

I don't
remember who the 7th or 8th
like some of the 7th or 8th
for other reasons
I don't see any of the 7th or 8th
I don't see any of the 7th or 8th

A 1
XX

I don't know the time when I got into the car in Yibenas.

I left Nazareth at about sun-rise. We didn't get to Samakh.

I don't know how soon after sun rise I left Samakh.

I didn't know the driver before.

The car was parking at the parking place. I know no hotels there.

He was parking near a gasoline pump on the left of the road.

When I went in the car I did not run to get into it.

The engine was not running when I got in to the car.

My friends got in first & I followed them.

When I got to the car its doors were not opened. I got through the left back door.

I don't remember from which side my friends got into the car. I was sitting on the left side

discovered that it had been recently discharged.

We continued the chase.

Near Kenneth Bridge we overtook the car. I pointed my gun at the driver & I ordered him to stop.

The taxi stopped. In it I saw the four aces.

The ~~three~~ drivers in the back seat & the driver alone in the front seat.

No. ① ace. dark blue jacket & striped kambez. & a Kaffia & Igat.

21

XX¹ Saw donkeys coming from Samakh & also
animals going to Samakh didn't pay much attention.

XX² I saw the 4 acc'd. go into
the P.P. Station I didn't go in with them.

By the way the chase at 9.15 o'clock

XX Saw donkeys carry from Samakh & also
 angels going to Samakh didn't pay much attention.

XXX I saw the 4 acc'd go into
 the Pithi Station I didn't go in with them.

By the Court: ~~Commenced this chase at 9.15.0~~ we got to
 the station at 10.30 am.

British Sgt. H. S. Bulmer: Sworn

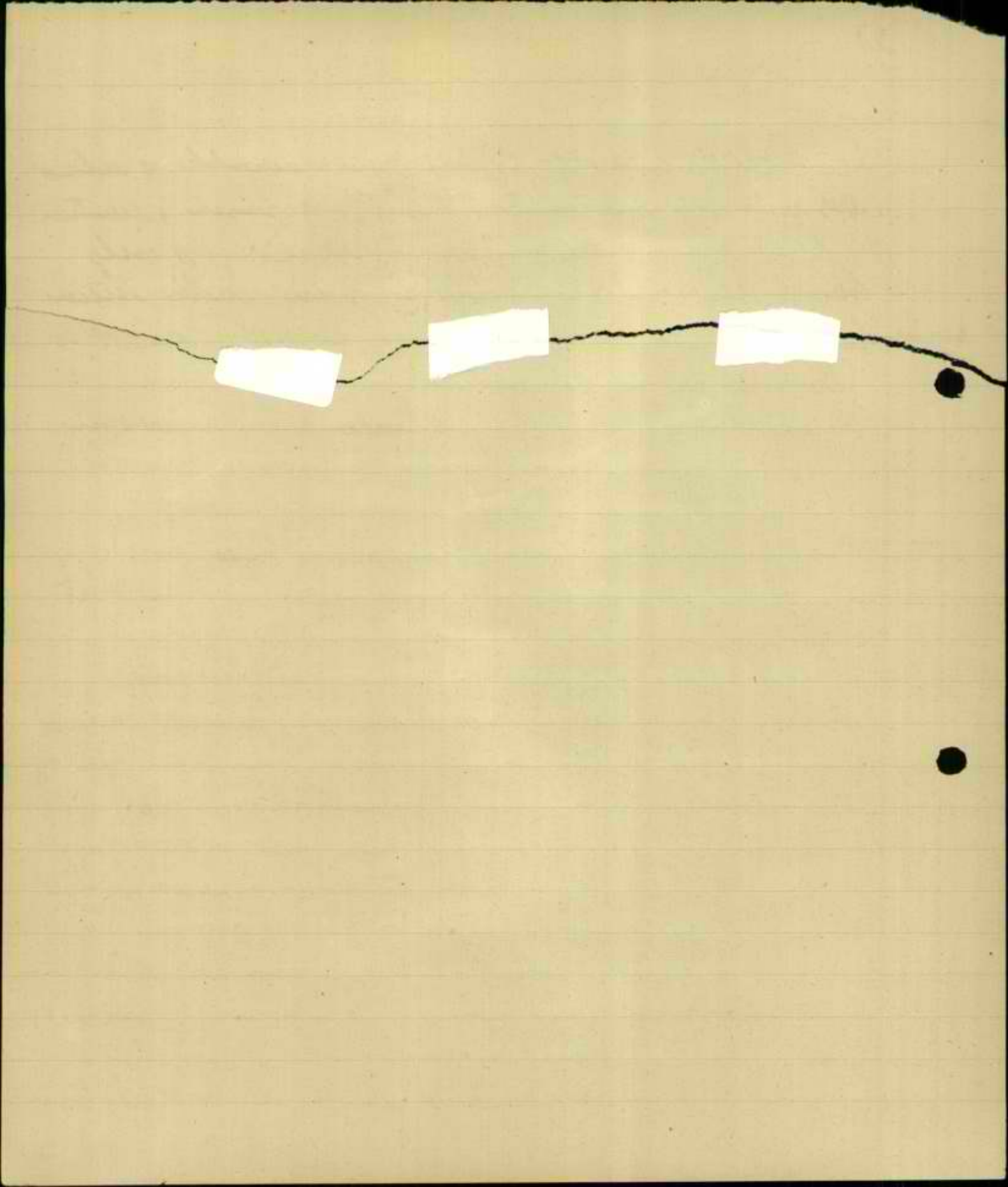
Saw a crowd of people running
 in all directions. Also saw a black
 car running toward Samakh. I didn't
 note the no.

I gave chase. Just before
 Kilo 17 I saw a black jacket object
 being thrown from the right hand side of
 the car. M 72 C was the no.
 we were 20 to 40 yds far from the car.

I stopped the car & searched the
 ditch I found nothing.

I saw Fox with a gun in his
 hand. He gave me the pistol. I know
 it by the no. shape.

It was loaded with a magazine
 of seven rounds of ammunition. I also



Resumed the chase & over-took the taxi at Kemmereth Bridge.

We forced the taxi to the side of the road & forced it to stop.

The four men in the docks were in the taxi.

The driver sat behind the steering wheel & the other three sat in the rear seat.

No. 1 was wearing a striped Korubay, a black jacket & a white Hatta & a black Igal.

No. 2 a yellowish ^{cream} green Korubay, a dark jacket & a Hatta & Igal.

No. 3 was dressed very much like he is now - Brownish jacket.

No. 4. was dressed as he is now except that his jacket was in the car.

I arrested them & proceeded back to Liberia. On the way we stopped & covered them with a horse blanket, a tarpaulin sheet & another thing in order not to allow anyone to recognize them going thru Liberia.

There is only one bend. There are several bends.

I made the witnesses who had recognized one of the aces.

The District Officer Yibenias signed as a referee.

I was present myself at this parade.

Sgt. B. H. Fox 1148 Sworn

Was in P.O. pick-up going down Galilee Street at about 9.15 a.m. on 6/9/38.

I heard shots. I proceeded in the direction of the shots where I saw a taxi speeding out in the direction of Samakh.

The No. of the taxi was M 72 C.

I gave chase to the taxi.

At Kilo 179 - 7 Kilos out of Yibenias.

I observed a hand come out of the rear of the taxi & toss out an object.

We stopped the pick-up on the spot, got out of the pick-up to the ditch where I found a Colt pistol No 45 No. 381888. This is the pistol.

I smelt the muzzle & handed it over to Sgt. Bulmar. From the smelling I concluded it had been recently discharged.

M.H.B.

A.S.P. Ford : Sworn:

On 6/9/38 I was in/c
of an identification parade wh. took
place in Liberia's.

At the time were all in the parade.
There were 9 or 10 persons in all.

6 Jewish witnesses + } all
4 Arab. }

segregated from All Jews in one room
& all Arabs in one room.

From those rooms they could
not see the yard. There were policemen
with strict orders not to allow anyone to
look downstairs.

The witnesses were summoned
one by one & were brought down the
stairs by a P.M. escort.

As each witness was dealt with
he was taken to another room where they
were kept under guard.

After each witness had examined
them the four Acc. were invited to change
their places in the parade.

When the parade was over

14)

Before he entered the car he looked about.

The man who carried the pistol went on the right side thro' the back door.

The car was pointing to Samakh.

~~He~~ I didn't see the door opened or closed. The door was opened.

I think the other must have got into the car because the car moved off & no one was left on the road.

The other man disappeared from the other side of the car.

I recognize them.

They are the first & the third.

(11) Yova Demkovski : Sworn.

Was in my house at 9.10 am.
on 6/9/38.

Something unusual happened. I heard shooting, when when the shooting became nearer I hurried to upstairs to my balcony where I heard distinctly two shots more.

I saw two men running in the direction of a car in the direction of Samakh. They separated each of them went to one side of the car.

This car stood opposite my house near Pologna Hotel + Lipschitz Hotel. The Atara Hotel is a bit far from house.

The car stood at the their house from Atara Hotel.

When these two men got near they got in it. The taller one was in front. The taller was dressed in a Kombez + a blue jacket with nothing on his head. He had a pistol in his hand.

The smaller one had a dirty piece of cloth over his head.

15.

dark jacket. The two who were sitting at the back with Kafia with Agal.

I saw the same car after 9 o'clock returning to Samakh. The car was driving fast between 70 + 80. km. per hour. No 4 was driving it this time also.

At the back seat there were three persons two sitting up + one bending. There was a car of the Police following.

XX 8.

over there
perhaps two or three things.
There was a lot of this & that
following.

14)

Did you say to the Police that while you were in the shop you saw a stranger wearing a kumby + a jacket? I don't remember.

I was hit & became unconscious.

There was no conversation between the stranger + the owner

XX f _____

10 Abdullah Shahrour : Sworn :

Was on duty at P.15 at Hotsprings on 6.9.38. This 1 1/2 km. far from Tiberias

I saw No 4's car coming back from Samakh to Tiberias. About Abdullah is Acc. No 4. I have driven often in his car.

On the day in question he was driving the car. There were three more persons in the car. One near the driver + two in the back seat.

The one near the driver was dressed with a white Kafia + a white

(13)

He was running & firing & looking in each direction. He was running in the direction of Samakh. He was firing with a pistol.

I got into a taxi, just below the stairway near the Atara Hotel. The taxi drove off towards Samakh.

I saw a Govt. car which was coming from the Post Office & it chased the taxi.

~~XX~~ & End.

9th Mimir Abdel Ghani Ahmed: Sworn

On 6/9/38 I was in Nardis shop. I was there standing near a table trying to buy some tyres I heard shots. I was hit & fell down to the ground. I don't know what I said to the Police I was unconscious.

I don't quite remember what I said to the Police.

This is my signature on the statement to the Police

12/19/38.

8th David Ibrahim Kobbie : I sworn : Age 14.

On 6/9/38 I was standing outside a shop two doors from Vardi's shop.

I saw a man go into the shop of Yacoub Wardi. He was dressed in a dark blue jacket a Kumbaz, his hair combed. He had nothing on his head.

I can't see that Arab here
(Witness looked at accused)

I went to an identification parade - the first time I picked out one man. I look at the accused & I say I don't who I picked out at that parade.

~~I heard~~ I was inside the shop I heard shots. I came out of the shop & saw a man running & firing. He was a fellow & was wearing a dark blue jacket & striped blue Kumbaz. He was the same man who went into Vardi's shop.

(11)

into a car & ran away.

He hit David Elashar who was in the street.

After he hit David he continued running away & entered a car & went away.

The car was standing near the Shell Garage, near a Jewish Carpenter.

The car was between Hotel Atara & Hotel Pologna.

Another Arab was also running to the car.

(A1) entered the car from the right side.

The other Arab from the other door. The left side.

The doors of the car were opened.

The car went off & immediately after them the Police car went off.

into a car & ran away.
The first I saw of
who was in the street
after he hit Davis. He
cut and ran away & entered
a car went away.
The car was white & was
the color of a car.
The car was between Hotel
Morse & Hotel P. Morgan.
Another car was also
running to the car.
After entering the car from the right
side.
The other car from the station
also. The left side.
The door of the car was open.
The car went off & immediately
after he hit Davis the car went off.

(10)

Zaki Rahamin Migradi : Sworn:
15 yrs - old :

I was standing opposite
Nardis shop on 6/9/38. This was
at about 8.45 a.m.

I was sitting in the street
& heard 3 shots, 1, 2, 3.

I saw an Arab enter
into the shop.

He was dressed in a black
jacket with nothing on his head
It is the first.

I heard three shots. At the
door I heard two more shots

Then the Arab came out
of the shop firing in all directions
He hit three men.

He began to run away & firing
in the direction of the sea - the same
direction as Samakh.

People began to close
shops & run away.

I saw nothing afterward
He put in his pistol went

New Counts

Jackie Karaman (Higgin) : known
12 yrs old
no other family opposite
I asked shop on 01/10. This was
at about 8.45 a.m.
I was sitting in the street
I heard 2 shots, 1, 2, 3.
I was on beach enter
into the shop.
He was dressed in a black
jacket with nothing on his back
It is the first
I heard three shots. At the
door I heard two more shots
When the beach came out
if the shop firing in all directions
He hit three men.
He began to run away & firing
in the direction of the beach
I began to run away
I was sitting opposite
The put in his pistol went

9)

I know Alon Abdulla - He is

A4.

That Arab went into the car from the right side in the rear.

The door was opened & the engine was running.

~~xx~~ 8

~~xx~~ 6

The petrol pump is on the left & the car was on the right side of the street. The car was facing Samakh.

2. The car was driven into the river.

17. That that went into the car from the right side in the rear. The door was opened & the engine was running.

18

19

20. The car was driven into the left side of the river. The car was driven into the left side of the river. The car was driven into the left side of the river.

identification parade is that I showed you last.

This is the man that passed you on the road.

He stood a few seconds in front of the shop then went into it we heard. I heard shots coming from the shop.

Immediately afterward I saw Metityaho the partner went go into the shop.

I heard the report of more shots This Arab went out of the shop & began firing. This Arab was the same who went in the shop.

He was firing with a pistol & ran away in the direction of Samakh.

He ran away & I saw him firing at another Jew, David Eliashar, who stood by a tree. David was wounded.

He ran away & enter a car near to Atara Hotel. The car belonged to Aliou Abdulla its no. is 72.

identification papers is that I observed
your last.
This is the man that I saw you
in the street.

The school a few years in
front of the school when I went into it
the house. I heard what coming
from the street.

I remember that afternoon I
was walking and the car was behind
me. I saw the car
about 100 feet away. I saw the car
about 100 feet away. I saw the car
about 100 feet away.

The man firing with a pistol
I am away in the direction of
Lansdowne.

The car away & I am in
firing at another person. I heard the car
who stood by a tree. I heard the car
The car away & enter a car
near a house. I heard the car
to leave the house.

4/

Ben Qradish

Mayer Abidulla Muzrahi : Sworn

On the 6/9/38 was with Heshi
near his car in Libenias between 8 00 am.
& 9 00 am. about 8 30 am.

I was in the garage & wanted
to go —

I saw an arab in a jacket
& Komkay coming from the direction of
Lamakh. He had a blue jacket &
nothing on his head.

Witness Pauses & points
out (A2)

I am not sure of (A2)
I see two of them who are similar
& I picked out one of them.

I don't know whether A2
is the same man I picked up on the
parade.

I am sure now it is the last
man

Witness walks up to the box
& points + (A1)
The man I picked up at the

He has a blue jacket

and a blue shirt

with a few buttons

out (A) Two

I saw one of (A) Two

and one of them was a woman

and one of them was a man

I saw one of them

and one of them was a woman

and one of them was a man

I saw one of them

and one of them was a woman

and one of them was a man

the box

out (A) Two

the man I picked up at the

6)

he ran in the direction of Samalish
firing with a pistol in the air.
I saw a British Police car
chase this man.

XX

XXX

There was a Policeman 1/c of
us upstairs before I went to the parade.
It is not possible to see the yard where
the parade was made from the room
upstairs.

After the parade there was a
Policeman 1/c of us in the room
downstairs.

By the Court: I could recognize A1 by his
face as well as I saw his face when
he went out of the shop.

When he was running I saw
something black on his face.

He ran away at distance
of $3\frac{1}{2}$ metres from me in the middle
of the road.

seven controlled rounds.

Moshe Ben Yasaker #7's Sworn:

On 6/9/38 I was near my car near Vardi's Shop at about 8.45 a.m.

A man passed, stood opposite Vardi's shop & looked in. He was an Arab. He looked inside the shop & disappeared & didn't see him after.

After ~~some~~^a minutes another Arab came. He was dressed in a blue jacket, striped Kumbaz & ~~had~~ ^{was} bare-headed. This is the man pointing to Aces. 1. He came from the direction of Samakh to Hiberias.

I heard four or five shots. I turned my head to the direction where this Arab came from. I saw him running & shooting. I saw him come out of Yacoub Vardi. When he ^{came} out of the shop

58

D. G.
Sgt. Dixie No 81 Sworn

Employed C. I. D. J. H.

By Insp. Matthews gave me
a Colt 45 pistol, 7 live rounds of ammunition
& 8 Cases & one bullet.

I examined the empty cartridge cases
& decided that one of them had been fired through
that pistol.

These are the empties. I marked
them.

This is the case I recognize it
by the shape of the pins.

~~I compared the case~~

~~the~~

I examined this case under a
Comparison microscope together
with 7 controlled one which I fired through
the pistol produced.

The pattern ^{inside} on the pin impression
is identical with the seven rounds that
I fired.

The marking on the striking
drag of the exhibit is identical with the

of group. Mathematics gave me
a lot of hints, & their sense of intuition
as cases & in result.
Examined the group carefully & cases
decided that one of them had been found through
that point.
There are the computer & several
then
There is the case & computer it
in the case & in the case
in the case & in the case

the marking of the student
based on the subject in which it is

Fredrick Robert
British Inspector Mathews : Sworn

On 6/9/38 I was in the
 Police Station.

I received an automatic
 pistol + certain live ammunition.

The pistol was emptied + the clip
 contained 7 rounds.

On the morning of the 7th
 I received a sealed packet from S/Insp.
 Ben Ephraim.

I took that packet to
 Jerusalem where I handed it over to
 Sgt. Dixie, at the Police Armoury.

On the 8th I received the
 same automatic but empty.

I returned to Tiberias +
 placed the automatic in the Divisional
 Safe locked.

This is the automatic.

X4 I took pistol + ammunition + placed it in
 the safe. I kept the key of the safe.

Inspector Ben Ephraim : Sworn :

I inspected Vardi's shop on 6/9/38. During the inspection I found 4 empty cases of a 45 automatic pistol of this type. I also found one spent bullet.

Then I inspected the vicinity of the shop & at a distance of 16 meters up the road in the direction of Samakh I found two more empty ~~pistol~~ cartridge cases.

On the 9th I inspected the place again & found another two empty cartridges on the same street near Hotel Atar.

I sealed them & gave them to British Inspector Matthews.

On 14/9/38 I inspected the Vardi shop again & there I found another empty case & another bullet with blood stains on it.

XX

2.

Re David Eliashan

Cause of death a bullet wound passing thro' the spleen causing intra abdominal hemorrhage.

Re Matityahu Weinberg.

Cause of death a bullet wound passing thro' the right thigh diverting upwards into the abdomen through the intestines causing perforation developing peritonitis.

On 6/9/38 I also examined an Arab called Amir Abdul Ghani Ahmed, & found a bullet wound of the left forearm lateral side, size 1 cm. in diameter with moderate bleeding. The range is about 2 meters.

Lx Nil.

B/C Lindsay
yc. back up

11/10/38

Military Court : Haifa :

Hassan Ali Kasim sk'la
Ali Abdel Karim Dawod "
Abdel Rahman Aji "
Hussein Abdulla Sa'sa

Charge : Discharging a firearm at &
3 Jews & one Arab & carrying
a firearm

Plea N. G.

Prosecutor : opens.

Dr. Salia Barnech : Sworn:

I carried out a post mortem
on Yacoub Eliash Mizrahi on 6/9/38,
on David Eliash 6/9/38 &
on Metityah Weinberg 8/9/38

Re Yacoub Mizrahi

Cause of death a bullet wound
through the heart ^{lung} & liver wh. caused internal
haemorrhage.

الحمد لله ١/٥/٤٧

توفيقه خذاب { منه طبريا
عبيد جبر {
صلح الفهردي

استحاده ابو الخير ! منه شيخ
زكي الدر ! منه طبريا

يجب جلب المذكورين اعمده بواسطة الحكمة ؟
ومخاطبة اخبر للتفاهم مع برهنا المذموم ؟

المخير

بجاءه مع اخوانه
شيخ تلمونه ٦٥ طبريا

Military Court, Northern Area,

H A I F A.

September 28th, 1938.

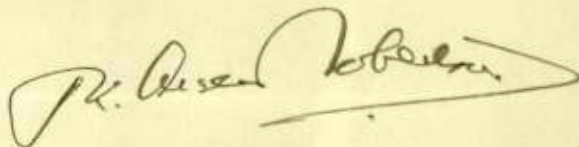
Ref. No. P.142.

Mr. John Asfour, (Advocate),
P.O.B., 391,
H A I F A.

SUBJECT: Case of (1)HASSAN ALI EL KASSEM)
(2)ALI ABDUL KARIM DAUD) of SILAT ADH DHAHR.
(3)ABDUL RAHMAN NAJI)
(4)HUSSEIN ABDULLAH of SASA.

Dear Sir,

Reference this office letter of even number re
the above accused dated 24th September, the trial will
now take place at HAIFA on Wednesday, 12th October, 1938
commencing at 10 a.m.



Major,
Military Prosecutor, Northern Area.

توفیقہ خط

علیہ ابو القوس

کا من تبادی

کا

احمد الی شوق میں
صالح اللہ علیہ

سیدہ اللہ

محمد عبد العزیز احمد
الحقہ جی اکٹنی

محمد احمد

صالح عبد الخالہ صالح عبد الرحمن

ON HIS MAJESTY'S SERVICE

Mr. John Asfour, (Advocate)

P.O.B., 391,

HAIFA.

P.142.

محامي السيد
جاسر اسفور

Military Court, Northern Area,

H A I F A.

Ref. No.P.142

September 24th 1938.

Mr. John Asfour, (Advocate),
P.O.B. 391,
H A I F A.

SUBJECT: (1) HASSAN ALI EL KASSEM,)
(2) ALI ABDUL KARIM DAUD,) of SILAT ADH DHAHR.
(3) ABDUL RAHMAN NAJI,)
(4) HUSSEIN ABDULLAH of SASA.

Dear Sir,

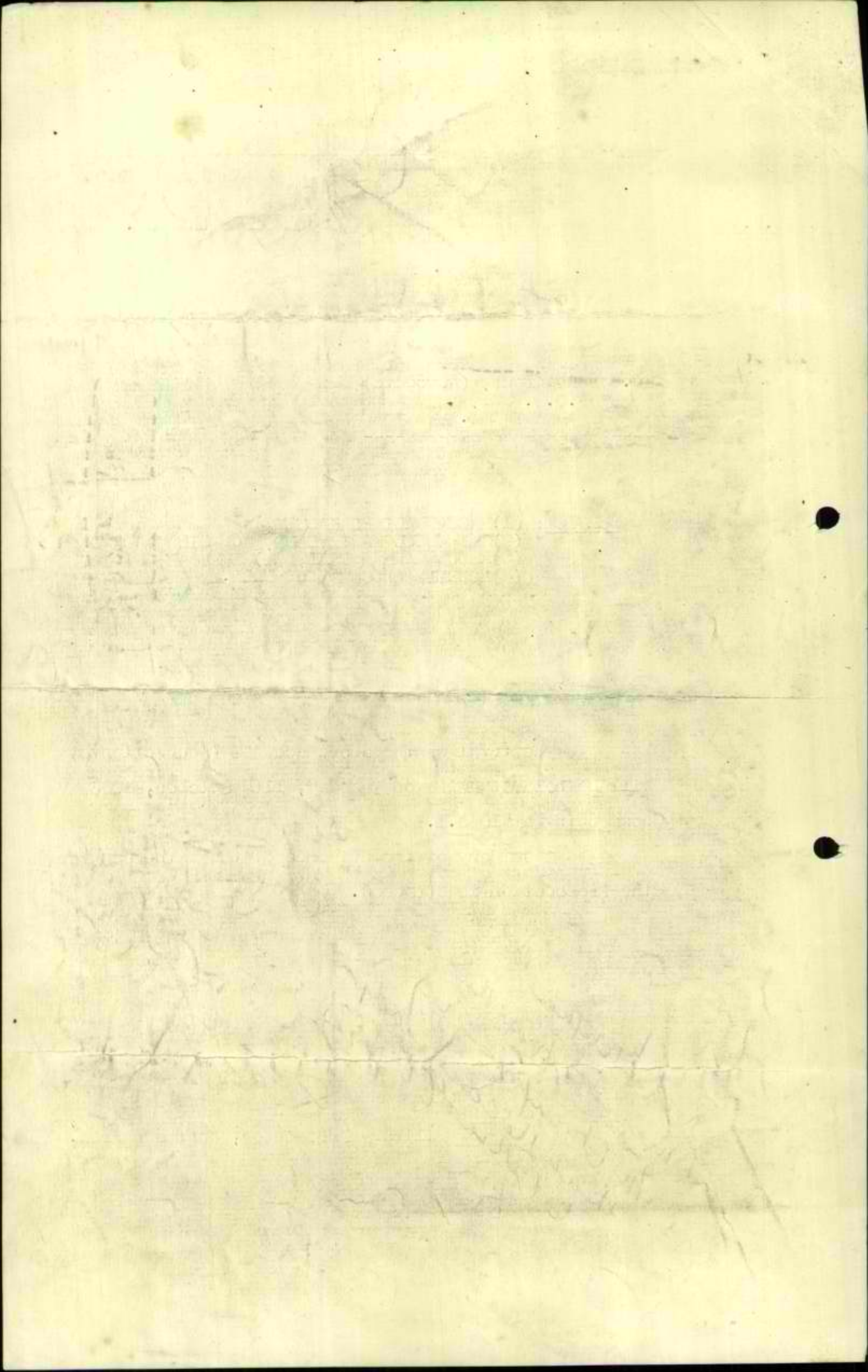
The trial of the above accused (your clients)
will be held at Haifa on Tuesday, 11th October, 1938
commencing at 10 a.m.

A summary of the evidence of the witnesses for
the Prosecution is attached.

*Recd. a telephone
message from the
M. Ct. informing us
that the case is adj.
to 12th Oct. 1938.*

[Signature]

Major,
Military Prosecutor, Northern Area.



Accused: (1) HASSAN ALI EL KASSEM,
(2) ALI ABDUL KARIM DAUD, of SILAT ADH DHAHR.
(3) ABDUL RAHMAN NAJI,
(4) HUSSEIN ABDULLAH of SASA.

Witnesses for the Prosecution.

1. Sup./Police MOSHE BEN YESAKHER - as to being with his car nearly opposite YACOB VARDI's shop at TIBERIAS on 6.9.38, seeing an Arab pass and wait outside VARDI's shop, then another Arab, Accused No.1., passing near him dressed in blue jacket without a headdress, as to hearing shooting and saw Accused No.1. come out of VARDI's shop firing more shots in the street from a pistol in his hand and run in the direction of SAMAKH, then seeing British Police car chasing this man.
2. MEIR ABDULLA MIZRAHI - as to being with Witness No.1. at TIBERIAS on 6.9.38, seeing Accused No.1. in blue jacket, without headdress and tall, go into the shop of VARDI, hearing shooting from this shop, saw WEINBERG go inside the shop, hearing more shooting, then seeing Accused No.1. come out holding a pistol and firing, and seeing him fire and wound DAVID ELIASHA, an old Jew sitting under a tree, as to seeing Accused No.1. run to a car, No. M.72 known as ABDULLAH's car outside the ATARA hotel and get in by the right rear door which was open.
3. ZAKI ROHAMIN MIZRAHI - as to being opposite VARDI's shop in TIBERIAS on 6.9.38, seeing Accused No.1. entering the shop dressed in a dark jacket and without a headdress, as to hearing shots and seeing Accused No.1. coming out with a pistol in his hand and firing at DAVID ELIASHA and wounding him, seeing Accused No.1. run to a black car near ATARA hotel and get into it on the right side and another Arab got in who had run with him and had his hand in his pocket, seeing both back doors of car open and then car drive off followed by Police car.
4. DAVID IBRAHIM KOBBI - as to standing outside a shop two doors from VARDI's shop at TIBERIAS on 6.9.38, saw Accused No.1. pass him and enter VARDI's shop, hearing shooting in VARDI's shop and seeing Accused No.1. come out with a revolver and fire in the street, he was wearing a dark jacket and without a headdress, he ran towards SAMAKH and entered a taxi near ATARA hotel, as to calling Police car to follow this taxi.
5. NIMER ABDUL GHANI AHMED - as to being in VARDI's shop in TIBERIAS on 6.9.38, seeing a stranger come in to ask for oil wearing a gombaz and jacket and without a headdress, seeing this man draw a pistol and fire at YACOB MIZRAHI, as to running to escape and being hit by a shot fired by the stranger and falling down, as to being busy with clerk over tyres when stranger entered, not noticing him well and after being wounded was unconscious and saw nothing further.
6. S/P MOSHE ABRAHAM SHAKHROUR - as to being on duty at Hot Springs, TIBERIAS at 7.15 a.m. on 6.9.38, saw taxi of Accused No.4. coming from SAMAKH to TIBERIAS with three passengers, two in the back and one next to the driver, seeing Accused No.4. driving, and as to seeing at 9.15 a.m. the same car coming from TIBERIAS to SAMAKH at excessive speed with the driver and three passengers, two at the back and one in front and Police car following.

/Witness No. 3.7.....

[Signature]

10/10/10

7. TOBA DEMBOUSKI - as to being at home in AKVA quarter, TIBERIAS at 9.10 a.m. on 6.9.38, hearing shots, going on to balcony, hearing another four shots, seeing two Arabs running to a car which stood opposite her house, seeing Accused No.1. dressed in dark jacket and without headress holding a pistol, and jump into right rear door and other Arab who was smaller went to other side out of sight, as to both doors being open and car moved off before they were shut and no-one left on the road.
8. No.1148 B/Sgt. B.H. FOX - as to being in Police pick-up going down Galilee Street, TIBERIAS at about 9.15 a.m. on 6.9.38, hearing shots seeing a taxi No. M.72 speeding away in direction of SAMAKH, giving chase and near Kilo. 179 seeing an object thrown out of right rear window of taxi, stopped, searched ditch and found colt .45 automatic pistol No. 381888, smelt barrel and found it recently used, *Lagania* overhauled taxi at KINNERETH BRIDGE and ordered driver to halt at point of gun, as to places of passengers and driver and recognises the four accused as those in taxi, arrested all and took them back to Police Station, covered them all up before entering TIBERIAS so that no-one could see them.
9. B.M./Sgt. H.S. BULMAR - as to being in a pick-up at TIBERIAS on 6.9.38 at 9.15 a.m., hearing shots, seeing a car No. M.72 speeding away in direction of SAMAKH, giving chase and when near Kilo 179 seeing an object thrown from right side of taxi, stooping and seeing Sgt. FOX pick up colt automatic .45 taking it over and found it loaded, went on with ~~same~~ chase, came abreast of taxi, stopped them and arrested all four accused, as to their positions in taxi, covered them up and took them to Police Station, handed in colt pistol No. 381888.
10. Inspector Ben EPHRAIM - as to inspecting VARDI's shop on 6.9.38 and finding four pistol cases and one spent bullet, and about 16 metres towards SAMAKH in the street two more cartridge cases and on 9.9.38 finding two more cases in the street near to ATARA hotel, gave all these to B/Inspector MATHEWS.
11. Medical Officer, Tiberias - as to post mortem on three deceased Jews and medical report on one wounded Arab.
12. B/Inspector MATHEWS - as to taking empty cases from Inspector BEN EPHRAIM and pistol No. 381888 from B/Sgt. FOX, taking them to Inspector C.I.D., Jerusalem and bringing them back.
13. Inspector C.I.D., JERUSALEM - as to comparing fired cases and finding they have been fired from pistol No. 381888.

14 M. H. B. Ford

as to identification
parade.

[Faint, mostly illegible handwriting in the upper section of the page.]

[Faint, mostly illegible handwriting in the middle section of the page.]

ip M. H. L. form
no to identification
number.

H. Cattam Esey.

Dear Henry

I enclose a memorandum
to H. C. + a copy which I think should
be delivered to the G. O. C.

The circumstances are
fully related + I hope you will do
all you can in this case
with best wishes for

your success.

18/10/38

Yrs
Joseph

